

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Roberta Moore, Planner I

SUBJECT: Ordinance 1st Reading/Quasi-judicial, ZB 7-1-03 FMC
Telecommunications, Inc., 6045 SW 45 Street, Generally located at the
northeast corner of Orange Drive and SW 61 Avenue.

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-03, AMENDING THE LEGAL DESCRIPTION OF THE WESTERN THEME DISTRICT BOUNDARIES OBTAINED IN LAND DEVELOPMENT CODE SECTION 12-386, ENTITLED "BOUNDARIES"; TO CHANGE THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT, WESTERN THEME OVERLAY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The applicant is proposing to amend the boundaries of the Western Theme District to include the northeast corner of Orange Drive and SW 61 Avenue. The property is zoned B-2, Community Business District. The approval of this text amendment which amends Section 12-386 of the Land Development Code will add 1.039 acres to the Western Theme District. It will provide for consistent regulations for the two corners of this intersection. The amendment will facilitate the review of a proposed office building on this site which meets the requirements of the Western Theme District. The inclusion of this property within the Western Theme District will permit the building to be placed at the front of the property along Orange Drive with the parking to the rear. The building placement to the front of the lot will allow existing mature oak trees to remain on the site. The building placement will also result in providing better screening of existing and proposed telecommunications equipment from Orange Drive.

PREVIOUS ACTIONS: None

CONCURRENCES: The Community Redevelopment Agency recommended approval of the request at the May 19, 2003 meeting. At the July 23, 2003, Planning and Zoning Board meeting, Vice-Chair Waitkus made a motion, seconded by Mr. McLaughlin, to approve. (Motion carried 5-0).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Ordinance, Planning Report, Justification, Survey, Land Use Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-03, AMENDING THE LEGAL DESCRIPTION OF THE WESTERN THEME DISTRICT BOUNDARIES OBTAINED IN LAND DEVELOPMENT CODE SECTION 12-386, ENTITLED "BOUNDARIES"; TO CHANGE THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT, WESTERN THEME OVERLAY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from B-2, Community Business District to B-2, Community Business District, Western Theme Overlay;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from B-2, Community Business District to B-2, Community Business District, Western Theme Overlay:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

b. That Section 12-386, "Boundaries," of the Town Code is hereby amended as follows:

The Western Theme District shall be composed of an area including all that portion of land lying with the area described as follows:

Description: ("Western Theme District")

Beginning at the point of intersection of the centerline of Davie Road (S.W. 64th Avenue) and the north line of Section 26, Township 50 South, Range 41 East; thence easterly along the said north line to a point of intersection with the westerly boundary of Lot 579 of the recorded plat of PLAYLAND VILLAGE SECTION 4, Plat Book 52, Page 38, Broward County Records; thence southwesterly and southerly along the westerly boundaries of Lots 579 through 564 of said PLAYLAND VILLAGE SECTION 4, extended southerly to a point of intersection with the southerly right-of-way line of S.W. 38th Court, said point also described as the northwest corner of Lot 1 of the recorded plat of PLAYLAND VILLAGE SECTION 1, Plat Book 49, Page 32, Broward County Records; thence continue southerly along the westerly boundaries of Lots 1 through 4 of the recorded plat of said PLAYLAND VILLAGE SECTION 1 to the southwest

corner of said lot 4, also described as the point of intersection with the northerly boundary of Lot 8, Block 1 of the recorded plat of EVERGLADES PARK, Plat Book 31, Page 22, Broward County Records; thence easterly along said northerly boundary to the northeast corner of said Lot 8; thence southerly along the easterly boundary of said Lot 8, extended southerly to a point of intersection with the centerline of S.W. 39th Court; thence westerly along said centerline to a point of intersection with the northerly extension of the easterly boundary of Lot 7, Block 2 of the recorded plat of said EVERGLADES PARK; thence southerly along said northerly extension and said easterly boundary to the southeast corner of said Lot 7; thence westerly along the southerly boundary of said Lot 7 to the northeast corner of Lot 3 of the recorded plat of STRONG PARK, Plat Book 46, Page 37, Broward County Records; thence southerly along the easterly boundary of said Lot 3 extended to a point of intersection with the centerline of S.W. 41st Street; thence easterly along said centerline to a point of intersection with the northerly extension of the easterly boundary of Lot 23 of said STRONG PARK; thence southerly along said northerly extension and said easterly boundary to the southeast corner of said Lot 23; thence westerly along the south boundary of said lot 23 to a point of intersection with the northeast corner of Lot 2 of the recorded plat of WHITE PARK, Plat Book 48, Page 42, Broward County Records; thence southerly along the easterly boundaries of Lot 2, extended southerly and Lot 20 of the recorded plat of said WHITE PARK to a point of intersection with the southeast corner of said Lot 20, said point also described as the northwest corner of Lot 14, Block 2 of the recorded plat of Davie Park, Plat Book 32, Page 42, Broward County Records; thence easterly along the northerly boundary of Lot 14 to the northeast corner of said Lot 14; thence southerly along the easterly boundary of said Lot 14, extended southerly to a point of intersection with the south right-of-way line of S.W. 42nd Street; thence easterly along the said south right-of-way line to a point of intersection with the northeast corner of Lot 13, Block 1 of the recorded plat of said DAVIE PARK; thence southerly along the easterly boundary of said Lot 13 to the southeast corner of said Lot 13; thence westerly along the southerly boundaries of Lots 13 and 14, Block 1 of the recorded plat of said DAVIE PARK to a point of intersection with the northerly extension of the centerline of S.W. 63rd Avenue; thence southerly along said centerline to a point of intersection with the centerline of S.W. 43rd Court; thence easterly along the centerline of said S.W. 43rd Court to a point of intersection with the northerly extension of the westerly boundary of Lot 1, Block 1 of the recorded plat of 1st ADDITION TO DAVIE, Plat Book 6, Page 39, Broward County Records; thence southerly along said northerly extension and the westerly boundaries of Lots 1 and 2, Block 1 of the recorded plat of said 1st ADDITION TO DAVIE, to the southwest corner of said Lot 2 thence easterly along the southerly boundary of said Lot 2 to a point of intersection with the centerline of S.W. 62nd Avenue; thence southerly along said centerline to a point of intersection with the westerly extension of the southerly boundary of Lot 1, Block 5 of the recorded plat of DAVIE HEIGHTS, Plat Book 49, Page 38, Broward County Records; thence easterly along the southerly boundaries of Lots 1 through 5, Block 5 of the recorded plat of said DAVIE HEIGHTS to the southeast corner of said Lot 5, said point also described as the point of intersection with the westerly boundary of Lot 16 of the recorded plat of DAVIE HEIGHTS EXTENSION, Plat Book 100, Page 30, Broward County Records; thence southerly along the westerly boundary of said Lot 16 to the southwest corner of said Lot 16; thence easterly along the southerly boundaries of Lots 16 and 15 of the recorded plat of said DAVIE HEIGHTS EXTENSION to the southeast corner of said Lot 15, said point also described as the point of intersection with the westerly boundary of Lot 12 of the recorded plat of DURDEN SUBDIVISION, Plat Book 25, Page 9, Broward County Records; thence northerly along the westerly boundary of said Lot 12 to the northwest corner of said lot 12; thence northerly along the westerly boundary of Lot 11 of the recorded plat of said DURDEN SUBDIVISION to a point of intersection with a line 20 feet north of and parallel with the southerly boundary of said Lot 11; thence easterly along said

parallel line to a point of intersection with the westerly right-of-way line of S.W. 61st Avenue; thence southerly along said westerly right-of-way line to a point of intersection with the westerly extension of the northerly boundary of Lot 1 of the recorded plat of NOVA PLAZA ADDITION, Plat Book 129, Page 26, Broward County Records; thence easterly along said westerly extension and said northerly boundary to a point of intersection with the easterly boundary of said Lot 1; thence southerly along said easterly boundary and the southerly extension thereof to a point of intersection with a line 55 feet south of and parallel with the southerly boundary of said Lot 1; thence westerly along said parallel line to a point of intersection with the westerly right-of-way line of S.W. 61st Avenue ; thence southerly along said westerly right-of-way line to a point of intersection with the northerly line of the C-11 Canal right-of-way; thence westerly along said northerly line to a point of intersection with the westerly boundary of Tract 46 of the recorded plat of EVERGLADES LAND SALES CO. SUBDIVISION, Plat Book 2, Page 34, Dade County Records; thence northerly along said westerly boundary to the northwest corner of said Tract 46, said point also described as the northeast corner of Tract 45 of the recorded plat of said EVERGLADES LAND SALES CO. SUBDIVISION; thence westerly along the northerly boundary of said Tract 45 to the northwest corner of said Tract 45; thence northerly to a point of intersection with a line 165 feet north of and parallel with the south line of Tract 1 of the recorded plat of said EVERGLADES LAND SALES CO. SUBDIVISION; thence easterly along said parallel line to a point of intersection with a line 900 feet east of and parallel with the westerly boundary of said Tract 1; thence northerly along said parallel line to a point of intersection with the westerly extension of the centerline of S.W. 41st Street; thence easterly to a point of intersection with the southerly extension of the westerly boundary of Parcel "A" of the recorded PLESS-WEBB PLAT, Plat Book 121, Page 27, Broward County Records; thence northerly along said southerly extension and said westerly boundary to a point of intersection with the southerly boundary of Tract "A" of the recorded plat of DAVIE-39th STREET ADDITION, Plat Book 122, Page 20, Broward County Records; thence westerly along said southerly boundary and along the southerly boundaries of Lots 3, 2 and 1 of the recorded DAVIE 39 STREET PLAT, Plat Book 111, Page 5, Broward County Records, to the southwest corner of said Lot 1; thence northerly along the westerly boundary of said Lot 1 to a point of intersection with the southerly right-of-way line of S.W. 39th Street; thence easterly along said southerly boundary to a point of intersection with the centerline of Davie Road (S.W. 64th Avenue); thence northerly and northwesterly along said centerline to a point of intersection with the north line of Section 26, Township 50 South, Range 41 East, said point also described as the Point of Beginning.

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as B-2, Community Business District, Western Theme Overlay.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

Applicant Information

<u>Owner:</u>		<u>Agent:</u>	
Name:	FMC Telecommunications, Inc.	Name:	Davie Community Redevelopment Agency
Address:	6045 SW 45 Street	Address:	4700 Davie Road, Suite C
City:	Davie, Florida 33314	City:	Davie, Florida 33314
Phone:	N/A	Phone:	(954) 797-2093

Background Information

Date of Notification: July 11, 2003 **Number of Notifications:** 97, at 1,000 feet

Application History: No deferrals have been requested.

Application Request: To amend the boundaries of the Western Theme District contained in Section 12-386 of the Land Development Code. The request is to rezone the 1.039 acre site from B-2, Community Business District to B-2, Community Business District, Western Theme overlay.

Affected District: District 1

Address/Location: 6045 SW 45 Street/ Generally located at the northeast corner of Orange Drive and SW 61 Avenue.

Future Land Use Plan Designation: Regional Activity Center

Existing Zoning: B-2, Community Business District

Proposed Zoning: B-2, Community Business District, Western Theme overlay.

Existing Use: Vacant

Proposed Use: Office Building

Parcel Size: 1.039 acres (45,276 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Industrial	Regional Activity Center
South:	Linear Park along C-11 canal	Recreation and Open Space
East:	Commercial	Regional Activity Center
West:	Commercial	Regional Activity Center
	<u>Surrounding Zoning:</u>	
North:	M-1, Light Industrial District	
South:	C-11 Canal, no zoning	
East:	B-2, Community Business District	
West:	B-2, Community Business District	

Zoning History

Related Zoning History: None.

Previous Request on same property: On April 17, 1985 Town Council approved Resolution R-85-065 approving a subdivision plat for Nova Plaza Addition.

The applicant has submitted a site plan for the proposed office building (SP 3-3-03). The site plan is currently under review by Development Services staff. The applicant has also submitted a Vacation of right-of-way (VA 5-1-02) for the parcel.

Application Details

The applicant is proposing to rezone the subject site from B-2, Community Business District to B-2, Community Business District, Western Theme Overlay, in order to extend the boundaries of the Western Theme District to include the northeast corner of Orange Drive and SW 61 Avenue so that both sides of the intersection are in the same overlay district. The inclusion of the property within the Western Theme District will facilitate the review of the site plan for an office building that is proposed for the site. Being included within the Western Theme District will enable the building to be placed to the front with the parking to the rear as is desired in the Western Theme District. This will enable the existing mature oak trees to be saved. Another advantage is that the building placement will allow telecommunication equipment, existing and proposed to be screened from Orange Drive.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial

development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 98.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 14: Land Use Compatibility and Community Appearance, Policy 17-2:* No property within the Town shall be rezoned to a zoning district that is not in compliance with the Town of Davie Future Land Use Plan.

Staff Analysis

The proposed zoning will be consistent with the adjacent B-2, Community Business District, Western Theme Overlay zoning to the west. It will provide uniform zoning to the intersection of SW 61 Avenue and Orange Drive. This will allow the site plan (SP 3-3-03) to be reviewed utilizing the Western Theme guidelines which strongly encourage, through incentives, to have buildings placed near the front property line and parking located in the rear. The proposed rezoning will also remain consistent with the Town of Davie and Broward County Land Use Plan designation as Regional Activity Center. The existing zoning boundaries are illogically drawn in relation to the existing conditions on the property as this entire site has been functioning as if it was zoned commercial.

The proposed rezoning does not create an isolated zoning district and is consistent with the adjacent existing and planned uses. Therefore, the proposed use can be considered to be in harmony with the general intent and purpose of the code and will not be harmful to the public welfare.

Findings of Fact

Review for Rezoning:

Section 12-308(A)(1):

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The land use is Regional Activity Center and the B-2 zoning district is a permitted zoning district within the Regional Activity Center Land Use.

- (ii) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The surrounding uses consist of M-1, Light Industrial District to the north, C-11 Canal to the south, B-2, Community Business District to the east and west.

- (iii) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

To the north is industrial, to the east is commercial, to the south is the linear park along the C-11 Canal, and to the west is commercial.

- (iv) The proposed change will not adversely affect living conditions in the neighborhood;

The proposed changes will allow for the construction of a building to be placed to the front of the parcel with the parking to the rear and will enable the existing mature oak trees to be saved.

- (v) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Prior to final approval of plats by Broward County, traffic impacts are assessed and concurrency must be met.

- (vi) The proposed change should not adversely affect other property values;

The rezoning should not affect adjacent property values as the proposed zoning district is compatible with the surrounding zoning districts.

- (vii) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Development of the subject site will not deter development or improvement of adjacent parcels.

- (viii) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.

- (ix) There are substantial reasons why the property cannot be used in accord with existing zoning.

The property can be developed utilizing the B-2, Community Business District, however, the mature oak trees would have to be removed to accommodate the required setbacks within the B-2, Community Business District.

- (x) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site location relative

to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning designation is consistent with the Future Land Use Plan Map, adjacent to an arterial roadway, and is therefore the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendations

At the July 23, 2003, Planning and Zoning Board meeting, Vice-Chair Waitkus made a motion, seconded by Mr. McLaughlin, to approve. (Motion carried 5-0).

Exhibits

1. Justification
2. Survey
3. Land Use Map
4. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

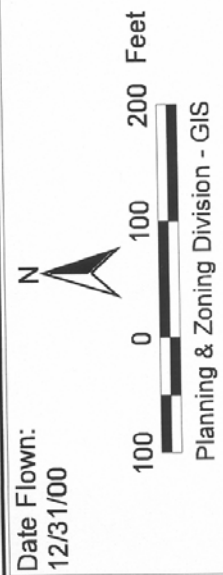
Justification for the Rezoning of 6045 SW 45 Street

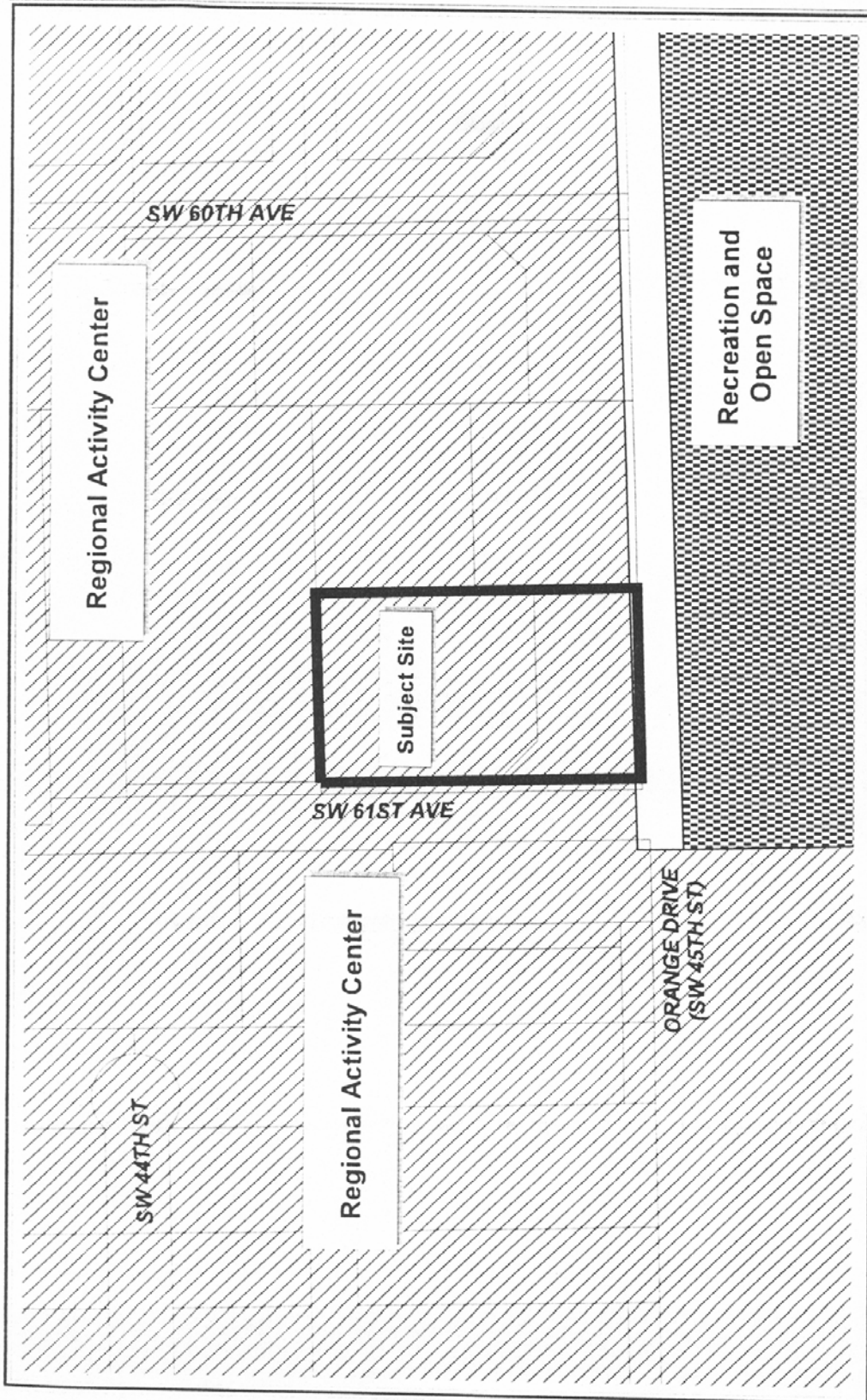
To extend the boundaries of the Western Theme District to include the northeast corner of Orange Drive and SW 61 Avenue so that both sides of the intersection are in the same overlay district. The inclusion of the property within the Western Theme District will facilitate the review of the site plan for an office building that is proposed for the site. Being included within the Western Theme District will enable the building to be placed to the front with the parking to the rear as is desired in the Western Theme District. This will enable the existing mature oak trees to be saved. Another advantage is that the building placement will allow telecommunication equipment, existing and proposed to be screened from Orange Drive.



REZONING **ZB 7-1-03** **Zoning and Aerial Map**

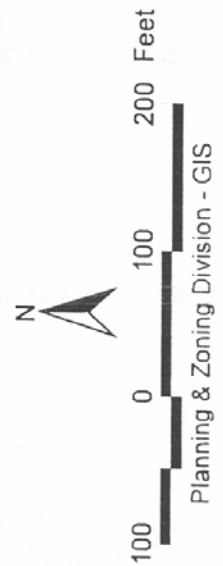
Prepared By: TAV
 Date Prepared: 7/10/03





REZONING **ZB 7-1-03** **Future Land Use Map**

Prepared By: TAV
 Date Prepared: 7/10/03



Beginning at the southeast corner of said Lot 1; thence along the southerly extension of the easterly boundary of said Lot 1 to an intersection with a line 55 feet south of and parallel with the southerly boundary of said Lot 1; thence westerly along said parallel line to an intersection with the westerly right-of-way line of said S.W. 61st Avenue (Durden Avenue); thence northerly along said westerly right-of-way line to an intersection with an easterly extension of the southerly boundary of Lot 12 of the recorded plat of DURDEN SUBDIVISION, Plat Book 25, Page 9, Broward County Records; thence westerly along said easterly extension to an intersection with the easterly boundary of said Lot 12; thence northerly along said easterly boundary to an intersection with the westerly extension of the northerly boundary of the aforesaid Lot 1 of NOVA PLAZA ADDITION, Plat Book 129, Page 26, Broward County Records; thence easterly along said westerly extension and said northerly boundary to an intersection with the easterly boundary of said Lot 1; thence southerly along said easterly boundary to the Point of Beginning.



R/W = RIGHT-OF-WAY
B.C.R. = BROWARD COUNTY RECORDS
D.C.R. = DADE COUNTY RECORDS

SKETCH AND DESCRIPTION

THIS SKETCH DOES NOT
REPRESENT A BOUNDARY SURVEY

DATE	REVISIONS		DRAWN: CHK:
DRAWN BY:	MR	CHECKED BY:	KL

CERTIFIED TO:

TOWN OF DAVIE



**ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL PROFESSIONALS**

1800 N. DOUGLAS ROAD, SUITE 200
PEMBROKE PINES, FLORIDA 33024
(954) 436-7000 FAX: (954) 437-2958
CERT. OF AUTHORIZATION L.R. 6680

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

DATED THIS 4th DAY OF JUNE, 2003 A.D.
Martin P. Rossi
MARTIN P. ROSSI
 PROFESSIONAL SURVEYOR AND MAPPER
 STATE OF FLORIDA REGISTRATION No. 5857
 NOT VALID WITHOUT THE SIGNATURE AND THE ORG.
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND

PROJECT NO.	FILE NO.
03-71819.000	11-1B-691